

**The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy**

Date completed: 1 st September 2015	Date amended: 11th October 2018 Date reviewed (policy in force from): 15 th November 2018
Custodian title & e-mail address	Craig Parkinson, Chief Operating Officer, The Heath Family (NW) (NW) MAT cparkinson@theheathfamily.org.uk

As with all of its policies, The Heath Family (North West) would always advocate that any staff member considering this policy seeks the advice of their Professional Association/Trade Union if they have any doubts as to its implementation. Such contact will likely increase the effective use of this policy as a result.

CONTENTS

CLAUSE	PAGE
1 SCOPE AND PURPOSE	1
2 WHO IS COVERED BY THIS POLICY	1
3 WHO IS RESPONSIBLE FOR THIS POLICY	1
4 DEFINITIONS	1
5 DISABILITIES	1
6 GENERAL PRINCIPALS	2
7 EMPLOYEE OBLIGATIONS	2
8 SICKNESS NOTIFICATION PROCEDURE	2,3
9 RETURN TO WORK DISCUSSIONS	3
10 OCCUPATIONAL HEALTH REFERRAL	3,4
11 INFORMAL WARNING	4
12 ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER	4,5
13 PERSISTENT INTERMITTENT ABSENCE	5
14 LONG TERM ABSENCE	6
15 FORMAL ABSENCE REVIEW MEETINGS	6
16 FORMAL RESPONSES	6,7,8
17 GOVERNORS PANELS	8
18 RIGHT TO BE ACCOMPANIED	8,9
19 TIMING OF MEETINGS	9
20 VENUE FOR MEETINGS	9

The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy

1 SCOPE AND PURPOSE

- 1.1 This policy is designed to establish a framework for the effective management of employee sickness absence taking into account both the welfare of employees and the requirements of the Heath Family (NW) Multi Academy Trust to deliver an effective service and education to its pupils. It aims to enhance the delivery of education through improved cost efficiency.
- 1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time. The Trust may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.3 For the avoidance of doubt this policy may be used concurrently with the relevant Capability Policy and the Disciplinary Policy.
- 1.4 In this policy references to personnel/bodies are to the personnel/bodies present within the School at which the particular member of staff reviewing the policy is engaged

2 WHO IS COVERED BY THIS POLICY

- 2.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as employees in this policy).
- 2.2 It does not apply to agency employees and self-employed contractors.

3 WHO IS RESPONSIBLE FOR THIS POLICY

- 3.1 The Heath Family (NW) Multi Academy Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Heath Family (NW) Multi Academy Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal/Head of School.
- 3.2 The School Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

4 DEFINITIONS

- 4.1 In this policy working day means any day on which an employee would ordinarily work if they were a full time employee. In other words it will be different for teaching and support staff but will not be different on the basis of whether an employee is full-time or part-time.

5 DISABILITIES

- 5.1 The Heath Family (NW) Multi Academy Trust is aware that sickness absence may result from a disability. At each stage of the sickness absence procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 5.2 If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager/Senior Leadership Team and/or the Principal/Head of School.

**The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy**

6 GENERAL PRINCIPALS

- 6.1 The Heath Family (NW) Multi Academy Trust expect each School to:
- 6.1.1 Never ignore sickness absence
 - 6.1.2 Always monitor attendance
 - 6.1.3 Ensure that short term absences do not go unnoticed
 - 6.1.4 Take swift action if the absence is work related
 - 6.1.5 Keep accurate, up to date, employee attendance records
 - 6.1.6 Develop and maintain an atmosphere that encourages people to come to work
 - 6.1.7 Deal with each person as an individual
 - 6.1.8 Handle attendance problems promptly and sensitively, in a supportive manner
 - 6.1.9 Treat all employee fairly and consistently
 - 6.1.10 Keep the Governing Body/Trust Board informed about the School's sickness absence rate

7 EMPLOYEE OBLIGATIONS

- 7.1 Employees are expected to:
- 7.1.1 Comply with the Heath Family (NW) Multi Academy Trust's sickness notification procedure.
 - 7.1.2 Ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work
 - 7.1.3 Take and follow the medical advice and treatment offered
 - 7.1.4 Keep in regular touch (consistent with the relevant medical condition) and inform the Principal/Head of School, or nominated person (or Chair of Governors or Chair of the Trust Board/Chief Executive Officer in the case of a Principal/Head of School), of any significant developments affecting the period of absence.
 - 7.1.5 Attend medical appointments promptly.
 - 7.1.6 arrange, where possible, for any medical (including dental) appointments to take place at the start or end of the working day to minimise disruption to the working day and make up any lost time.

8 SICKNESS NOTIFICATION PROCEDURE

- 8.1 Employees must contact the School/Trust in accordance with their Contract of Employment and this policy.
- 8.2 Brief details of the reason for absence and, if possible, some indication of a return to work date should be given during this contact. The position in relation to current workload should be discussed in order to help the School/Trust make appropriate cover arrangements.
- 8.3 If the absence is the result of an accident or an injury sustained at work, then this information must be made known. Employees should indicate if the incident has been reported, when it was reported and to whom.

The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy

- 8.4 If an employee is still unfit for work after three successive working days they must once again contact the Principal/Head of School or nominated person on the fourth day as to the likely duration of the absence.
- 8.5 The Conditions of Service for Teachers in England and Wales (the Burgundy Book) stipulate that a self-certificate should be completed from not later than the fourth working day of absence.
- 8.6 A doctor's Statement of Fitness for Work must be provided by all employees where sickness absence lasts beyond 7 calendar days.
- 8.7 The doctor's statement must be forwarded to the Principal/Head of School, or nominated person, to reach them on or before the eighth day of absence.
- 8.8 If more than one doctor's statement is required for any period of absence, an employee must keep the Principal/Head of School, or nominated person, informed of developments on a weekly basis. This is to ensure that the educational needs of the School/Trust are fulfilled and to give an employee the opportunity to indicate if there are any ways in which the School/Trust can support them and to give them the opportunity (if they wish it) to be kept up to date with developments in the School/Trust.
- 8.9 The requirement for weekly contact may be relaxed by the School/Trust if a doctor's Statement of Fitness for Work indicates that such contact would hamper employee's return to work or by agreement between an employee and the School/Trust.
- 8.10 The School/Trust may suspend an employee on medical grounds (medical suspension) while it investigates an employee's health condition or if the medical evidence suggests the employee is not fit for work. Such period should be on full pay and no longer than is absolutely necessary.

9 RETURN TO WORK DISCUSSIONS

- 9.1 After **every** absence an employee's line manager must discuss with the employee:
 - 9.1.1 the reasons for the absence;
 - 9.1.2 the appropriate notification has been completed;
 - 9.1.3 their fitness to work;
 - 9.1.4 whether there are any issues which require particular support from the School/Trust;
 - 9.1.5 Complete the return to work form
- 9.2 A record of this return to work discussion should be placed on the employee's personnel file.
- 9.3 Line managers may also use the return to work discussion as an opportunity to bring employees up to date with developments within the School/Trust during their absence.
- 9.4 Because of the nature of the medical condition an employee may prefer not to discuss the reasons for absence with their direct line manager and in that case the discussion may be held with a member of the Senior Leadership Team.

10 OCCUPATIONAL HEALTH REFERRAL

- 10.1 Occupational Health should be utilised at an early stage to ensure that the parties have up-to-date medical information to support the employee and to support informed decision making. This will encourage adequate

The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy

support is put in place at an early stage based on medical advice which may prevent absences and improve attendance.

- 10.2 In cases of stress and/or anxiety, the School/Trust will refer an employee to Occupational Health within 2 weeks of the School/Trust being made aware of such a case.
- 10.3 The School/Trust may at any time it considers appropriate refer an employee to Occupational Health for an assessment of:
 - 10.3.1 Their health;
 - 10.3.2 the impact of their health on their attendance at work
 - 10.3.3 the impact of their health on their fitness to perform the duties required to perform their particular role;
 - 10.3.4 the impact of their health on their ability to attend formal meetings or interviews under any other procedure
 - 10.3.5 what steps the School/Trust could take to improve their health and/or attendanceand employees are expected to cooperate with such referrals.
- 10.4 If an employee decides not to engage with the Occupational Health referral the School/Trust will proceed to make decisions without the benefit of medical advice. Such a refusal of engagement may result in action being taken under the Trust's Disciplinary Procedures for failure to follow management instructions.
- 10.5 Before making any decision to dismiss on notice under this Sickness Absence Policy and Procedure the School/Trust will have referred an employee for at least one occupational health assessment.
- 10.6 Employees may also request a referral to Occupational Health which in most cases should be supported by the School/Trust to assist in improving attendance and supporting an employee.
- 10.7 The School/Trust will meet with an employee after an occupational health assessment to discuss the contents of the occupational health report whether as part of a formal absence review meeting or simply as part of its on-going commitment to the welfare of its employees.

11 INFORMAL WARNING

- 11.1 The School/Trust will endeavour to raise concerns about absence at an early stage and will seek to deal with matters informally where appropriate. This may include mentioning to an employee that their absence is a cause for concern and that they are approaching a trigger under the formal procedure.

12 ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER

- 12.1 The personnel responsible for each stage of this policy depends on the role the relevant employee performs.
- 12.2 The following table describes the normal course of action although this may be subject to change depending on the circumstances of the individual case.

**The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy**

<i>Employee Level</i>	<i>Absence Reviewer</i>	<i>Final Absence Reviewer</i>	<i>Appeal Manager (re Written Warnings)</i>	<i>Appeal Manager (re Dismissal)</i>
Principal/Head of School/Trust Central staff	Chief Operating Officer of the Trust	Chief Executive Officer of the Trust	A non-employee Trust Director appointed by the Chair of the Trust Board	Trust Director's Appeal Panel, appointed by the Chair of the Trust Board
Other Leadership Spine	Principal/Head of School	Chief Executive Officer or Chief Operating Officer of the Trust	A non-employee Governor appointed by the Chair of Governors	Governor's Appeal Panel appointed by the Chair of Governors
Other Teaching Employee	A member of the Leadership Team (other than the Principal/Head of School) appointed by the Principal/Head of School	Principal/Head of School	A non-employee Governor appointed by the Chair of Governors	Governor's Appeal Panel appointed by the Chair of Governors
Other Support Employee	A person appointed by the Principal/Head Teacher	Principal/Head of School	A non-employee Governor appointed by the Chair of Governors	Governor's Appeal Panel appointed by the Chair of Governors

13 PERSISTENT INTERMITTENT ABSENCE

- 13.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.
- 13.2 Managerial problems are created by the frequency of the absence and the reasons behind the absence. It can only be addressed effectively through proper monitoring systems and effective management action.
- 13.3 Whilst each case of sickness absence should be considered individually, the following triggers will normally lead to a Formal Absence Review Meeting:
- 13.3.1 Sickness absence of 10 or more working days in any 12 month period, accrued over 3 periods of absence or more.
 - 13.3.2 Sickness absence of 6 or more days accrued over 2 or more periods in any 6 month period.
 - 13.3.3 Three or more periods of sickness absence of any duration in any 6 month period.
 - 13.3.4 Any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable dates.

The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy

14 LONG TERM ABSENCE

- 14.1 Long-term absence is where an employee is absent from work for four weeks or more as the result of a serious health problem. It can normally be distinguished from frequent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition.
- 14.2 An absence lasting 4 working weeks will lead to a Formal Absence Review Meeting in appropriate circumstances.

15 FORMAL ABSENCE REVIEW MEETINGS

- 15.1 The aim of the formal process is to support the employee and improve attendance and reduce absence levels. Therefore the welfare of the employee should be a key consideration throughout all informal and formal meetings. The right to be accompanied by an accredited Trade Union representative or workplace colleague at the formal stages is a key part of this process.
- 15.2 At least 5 working days before a formal Absence Review Meeting, the Absence Reviewer shall send the employee an Absence Report:
 - 15.2.1 Setting out the absences from work indicating the reasons given for the absence.
 - 15.2.2 Setting out any suggestions made by the employee or the School/Trust to make reasonable adjustments (if applicable) to working arrangements that could reduce the absence or assist with a return to work.
 - 15.2.3 Including copies of self-certificates, Statements of Fitness to Work from the employee's doctor and all medical reports including those from Occupational Health.
- 15.3 At a formal Absence Review Meeting an employee will have the opportunity to:
 - 15.3.1 Present any medical evidence in their possession.
 - 15.3.2 Make suggestions about managing their return to work including any phased return to work or change in hours.
 - 15.3.3 Make suggestions of other reasonable adjustments (if applicable) that could be made.
 - 15.3.4 Be informed that they have the right to be accompanied by an accredited Trade Union representative or workplace colleague

16 FORMAL RESPONSES

- 16.1 The Absence Reviewer may (in addition to making an occupational health referral) undertake the following formal responses:
 - 16.1.1 **Reasonable adjustments to working arrangements**
These will vary on a case by case basis depending on the medical condition identified.
 - 16.1.2 **A First Written Warning**
 - 16.1.2.1 In the context of a persistent intermittent absence this is a warning that if the employee is absent from work for two or more days in the period of the next six months they will be at risk of a Final Written Warning.

The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy

16.1.2.2 In the context of a long term sickness absence this is a warning that if an employee is not fully back to work within between 4-12 working weeks there will be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

16.1.3 A Final Written Warning

16.1.3.1 In the context of a persistent intermittent absence this is a warning that if an employee is absent from work at all in the period of the next six months they will be at risk of a dismissal.

16.1.3.2 In the context of long term sickness absence this is a warning that if an employee is not fully back to work within between 4-12 working weeks they will be referred to the Final Absence Reviewer which could lead to termination of employment. The precise number of working weeks will be set by reference to the available medical evidence.

16.2 The Final Absence Reviewer may (in addition to the responses available to the Absence Reviewer) undertake the following response:

16.2.1 Dismissal with Notice

In coming to such a decision in relation to a case of persistent intermittent absence the Final Absence Reviewer will consider:

16.2.1.1 The total absence and pattern of absence

16.2.1.2 The available medical prognosis

16.2.1.3 Advice from occupational health

16.2.1.4 The reasons advanced for the absence

16.2.1.5 How long the employee has worked for the School/Trust

16.2.1.6 Is the job a key job? If so, how long can the School/Trust effectively function without that contribution.

16.2.1.7 What additional demands has the persistent intermittent absence generated for other employees and the School/Trust

16.2.1.8 Whether other reasonable adjustments (if applicable) have been considered

16.2.1.9 Whether other reasonable adjustments (if applicable) have been made and if so whether they were effective

16.2.2 In **coming** to such a decision in relation to a case of long term absence the Final Absence Reviewer will consider:

16.2.2.1 The available medical prognosis

16.2.2.2 Advice from occupational health

16.2.2.3 Is complete recovery likely and, if so, when.

The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy

- 16.2.2.4 How long the employee has worked for the School/Trust
- 16.2.2.5 Is the job a key job? If so, how long can the School/Trust effectively function without that contribution.
- 16.2.2.6 What additional demands has the absence generated for other employees and the School/Trust
- 16.2.2.7 Whether alternative employment or a transfer is available, suitable and acceptable
- 16.2.2.8 Whether ill-health retirement has been explored including whether any condition has been diagnosed as being terminal. The Trust will, depending on the likely length of any terminal illness, not normally dismiss an employee with a terminal illness whose prognosis is likely to result in death within a relatively short period of time (to be judged objectively by the School/Trust
- 16.2.2.9 whether the absence has been caused by industrial disease or injury/assault
- 16.2.2.10 Whether other reasonable adjustments (if applicable) have been considered
- 16.2.2.11 Whether other reasonable adjustments (if applicable) have been made and if so whether they were effective

16.3 An employee may appeal against a written warning or dismissal in writing to the Clerk to Governors within 10 working days of being sent the warning or notification of termination.

16.4 The fact of the appeal does not delay the commencement of any period under any warning or of any notice period.

16.5 If an employee's contract contains a payment in lieu of notice clause the School/Trust may exercise that clause to bring your contract to an end with immediate effect.

16.6 Any appeal should normally be heard within 20 working days of the notice of appeal being received.

17 GOVERNORS PANELS

17.1 Governor/Trust Director's Absence and Appeal Panels shall comprise three non-employee Governor/Trust Directors not previously involved in the matter.

17.2 In the event that there are insufficient numbers of Governor/Trust Directors available to participate in a Panel, the Chair of Governors/Chair of the Trust Board/Chief Executive Officer or Vice-Chair of Governor/the Trust Board as appropriate may appoint associate members.

18 RIGHT TO BE ACCOMPANIED

18.1 If an employee is the subject of any formal absence review meeting, they may be accompanied by a companion who must be either a willing work colleague not involved in the substance of absence issues related to them or an accredited trade union representative of a union recognised by the Trust.

18.2 The employee must let the relevant Reviewer or Manager know who their companion will be at least one working day before the relevant meeting.

18.3 If the employee has any particular need, for example, a disability which causes them a substantial disadvantage, adjustments may be made to the procedure to allow them to participate and in limited

The Heath Family (NW) Multi Academy Trust
Sickness Absence Policy

circumstances this may include allowing them to be accompanied by someone else other than is listed in clause 18.1.

18.4 The companion can address the meeting in order to:

18.4.1 put forward the case for the employee

18.4.2 sum up the case for the employee

18.4.3 respond on behalf of the employee to any view expressed at the meeting.

18.5 The companion can also confer with the employee during the meeting.

18.6 The companion has no right to answer questions on behalf of the employee, or to address the meeting if the employee does not wish it, or to prevent the employee from explaining their case.

18.7 Where the employee has identified a companion to the relevant Reviewer or Manager and the companion has confirmed in writing to the relevant Reviewer or Manager that they cannot attend the date or time set for the meeting, the relevant Reviewer or Manager will postpone the meeting for no more than five working days from the date set by the School/Trust to a date or time agreed with the companion provided that it is reasonable.

19 TIMING OF MEETINGS

19.1 Meetings under this procedure may:

19.1.1 need to be held when an employee was timetabled to teach.

19.1.2 be held after the end of the School day.

19.1.3 not be held on days on which the employee would not ordinarily work.

19.2 Meetings may take place in the absence of an employee in the event that they are not able to attend a scheduled meeting and it is considered appropriate by the School/Trust to do so in the relevant circumstances.

20 VENUE FOR MEETINGS

The relevant Reviewer or Manager can hold the meeting off the School/Trust site to minimise any distress to the employee.